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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/365,748 08/03/99 BEDNAREK

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EXAMINER

TM02/0925

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JANVIER, J

ART UNIT

PAPER NUMBER

2162  
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09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/365,748

Applicant(s)

BEDNAREK, MICHAEL DAVID

Examiner

Jean D Janvier

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

On page 90, line 4, "that communicate are linked" should apparently be --that are linked--  
. Appropriate correction is requested.

Applicant is further directed to review the specification for other improprieties.

### *Claim Objections*

Claims 1, 2, 5 and 20 are objected to because of the following informalities:

Appropriate correction is required.

As per claim 1, each limitation must end with ";" (semi colon). On line 13, "an user" should apparently be --a user--.

As per claim 2, the claim language is apparently ambiguous. The Examiner assumes that the Applicant meant to claim the following-

Means for determining the location of a transmitting pager based upon the location of a transmitting station subsequent to a query requesting such information.

As per claim 5, line 12, "an user" should apparently be --a user--.

As per claim 20, line 13, "the players" should apparently be --players--.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 23 recite the limitation "exchange rate". There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 4 and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Deluca et al, US Patent 5,870,030.

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The applied reference, based upon its earlier effective U.S filing date, constitutes a prior art under 35 U.S.C. 102(e).

As per claims 1, 4 and 15-19, Deluca et al teach a system comprising-

1.

Means **such as a database 40 of system controller 26 of fig.2 (col. 2: 39-46)** for storing a participant ID **or transceiver 32 number or Paging Service Account 118 of fig.6** for each of the participating users **or Pager User 71** and a merchant ID **or Advertiser 100 Account Number** for each of the participating merchants **or Advertisers 100 so that each Advertiser can be billed by Service Provider 102 of fig. 6 for distributing his advertising literature on pager 32 display 78 of the wireless network 20 (clearly anticipated in the system);**

A cellular communication network **20 of fig.1** that includes a plurality of geographically spaced base stations that each has a base station identification and is capable of communicating with a mobile exchange that is in communication with a fixed communication network (these limitations are inherent in the art of wireless communication or paging system- col. 2: 19-38; col. 4: 31-67);

A plurality of personal communication devices **such as one-way pager 31 of fig.5 or two-way pager 32 of fig.6 or fig.8**, each of the personal communication devices comprising a unique digital code **or pager number or address** stored in memory **or code plug 70 of fig.3** that identifies the devices (col.5: 47-58); a display **78 of fig. 3**; a user interface **or conventional push buttons on pager 32 of fig.8** for allowing a user to generate digital messages **in response to**

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**questions or survey sent by Advertiser 100 to user 71; a transmitter 28 and receiver 30 or transceiver 32 of fig.1**for wireless communication with the cellular communication network **34 of fig. 2** so as to allow a digital message generated on the personal communication devices **31** to be transmitted by placing a call **using conventional telephone 22** through one of the base stations **via PSTN 24 of fig.1 (col. 4: 13 to col. 5: 3)** and **memory or debit/credit meter 77 of fig.3** for storing a digital value corresponding to a monetary value (col. 6: 66 to col. 7:42);

Means **or the system of fig.3** for correlating the unique digital code stored in memory of each personal communication devices to a participant who subscribes to the paging service (**col. 5: 47-58**);

Means, **as depicted in figs. 5 and 6**, for transmitting a digital value corresponding to a monetary value **or credits allowing a user 71 to receive free paging service** to the memory value to the memory **or debit/credit meter 77** of the personal communication devices **or pagers 31 or 32 (figs. 31 and 32; col. 7: 43 to col. 8: 39)**; and

Means for creating incentives for participating users **or pager users 71**to encourage desired participant actions **such as reading ads (figs. 31 and 32; col. 7: 43 to col. 8: 39)**.

4.

A plurality of participants **or pager users 71**;

A participant ID **or pager number or address or paging service account 118** associated with each participant **or pager user 71 (col. 5: 47-58)**;

A redemption rate associated with each participant ID (**paging service account 118**) or an additional award provided to pager user 71 for correctly answering questions regarding at least one transmitted ad wherein the additional award is to be added to an original or first award given to pager user 71 or participant for reading advertisement transmitted to pager 32 allowing pager user 71 to transmit or receive messages for free whereby the total award is stored in debit/credit meter 77 (col. 8: 40 to col. 9: 19);

A first reward program under which participants or **pager users 71** may earn points or **credits** for certain actions **such as reading ads** (col. 6: 66 to col. 9: 19);

A second reward program through which the redemption rate associated with a particular participant is adjusted in response to certain participant action or **an additional award provided to pager user 71 for correctly answering questions regarding at least one transmitted ad wherein the additional award is to be added to an original or first award given to pager user 71 or participant for reading advertisement transmitted to pager 32 allowing pager user 71 to transmit or receive messages for free whereby the total award is stored in debit/credit meter 77** (col. 8: 40 to col. 9: 19).

Claim 15 contains limitations addressed in claim 4 and therefore, these limitations of claim 15 are rejected under a similar rationale.

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16. Wherein the program is implemented with a system that includes: a participant **or user 71** action reporting unit **or pager 32 of fig. 6**; a participant ID input unit **or push buttons on pager 32 of fig. 8**; a data storage and memory unit **or debit/credit meter 77**; a redemption unit; and an incentive adjustment unit and a computation unit (col. 10: 29 to col. 11: 2).

As per claims 17 and 18, Deluca et al disclose **an incentive program corresponding to a paging service, wherein an additional award is provided to a pager user 71 for correctly answering a question regarding at least one transmitted ad and the additional award is to be added to an original or first award given to pager user 71 or participant for reading an advertisement transmitted to pager user 71 using pager 32, which allows pager user 71 to transmit or receive messages for free whereby the total award, that is original award plus additional award, is stored in debit/credit meter 77 (col. 8: 40 to col. 9: 19) to be retrieved during redemption. Here, the number of credits a pager user can earn depends upon not only the monetary value of the transmitted ad, but also on the monetary value of the quiz associated with the ad as shown in fig.6. Further, the number of credits that can be redeemed at any given time is directly related to the monetary value associated with the information service downloaded and/or personal message transmitted as depicted in fig.6 and, of course, on the total number of available credits stored in debit/credit meter 77. The total award given to a user 71 maybe the same or different for each user based upon the value of the transmitted ad or on whether or not the corresponding quiz has been answered correctly.**



19. Wherein the first reward program is a rebate program under which participants **or users 71** earn points for certain purchases **or for reading ads transmitted with personal messages** and the second reward program is a variable redemption rate program through which the cash value redemption rate associated with a particular participant is adjusted in response to certain participant action **such as correctly answering questions associated with the transmitted ads as shown in fig. 6.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al, US Patent 5,870,030A, in view of Cohen, US Patent 6,060,993. .

As per claims 2 and 3, Deluca et al disclose a system comprising-

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A merchant information D/B **or subscriber D/B 40** containing information pertaining to a plurality of participating merchants **or advertisers 100** associated with the cellular communication network **20** wherein each merchant **or advertiser 100** has a member ID **or account number provided by service provider 102 to identify merchant or advertiser 100** and means for determining the merchant ID of all the participating merchants and to retrieve information pertaining to a specific participating merchants from the merchant information D/B and transmit this information to participating users **or pager users 71** wherein the information is stored in a D/B accessible by merchants so that merchants can add, delete or alter information containing in their respective listings **(These limitations are obviously expected in the Deluca et al system).**

Deluca et al fail to explicitly disclose a system for determining the geographic location covered by the cellular communication network **20** associated with a transmitting pager **31** and/or receiving pager **32** based upon the location of a transmitting fixed station subsequent to a query requesting such geographic location information wherein participating merchants or advertisers **100** are located.

However, Cohen discloses a system for displaying advertising messages on a display **14** mounted on a vehicle **12** based on the location of the vehicle. The system comprises as shown in fig. 1 an on-board controller **16**. The controller determines the vehicle location and drives the display **14** to generate a publicly viewable message including advertising selected for viewing within such location when vehicle **12** is within a particular zone associated with a geographic

area 34 as shown in fig. 2 using a conventional location detection system or GPS in conjunction with a plurality of fixed stations (fig. 3), which transmit message content and scheduling data to the controller (See abstract). Controller 16, contained within vehicle 12, is programmed to repeatedly ascertain the specific geographic location of vehicle 12 (fig. 2), utilizing a conventional location determining system such as GPS receiver 18 of fig. 4 (Col. 4:14-22). Controller 16 of fig. 4 is in wireless communication with a plurality of fixed stations 20, 22, and 24 of fig. 3. A communication link 26 interconnecting controller 16 and stations 20, 22 and 24 wherein the communication link 26 may comprise a cellular link or RF signal broadcast and other well known wireless communication system (Col. 4: 27-36). Through communication link 26, controller 16 receives programmable data from station 20 and subsequently displays on display 14 message content including location specific advertisements. The data downloaded from station 20 are stored in controller 16 database or non-volatile memory and thereafter appropriately displayed on display 14 mounted to vehicle 12 in accordance with vehicle 12 geographic location covered by fixed stations 20, 22 and 24 of the wireless communication network as monitored by GPS receiver 18 (Col. 4: 37-63).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate Cohen's teachings into Deluca et al paging system so as to use a conventional location detection system such a GPS in conjunction with fixed base stations in order to display location oriented messages including advertisements on Pager 31 or 32 display 78 associated with a user 71, thereby making the message or advertisement more appropriate to the recipient or user 71 who can take advantage of a store located nearby to redeem a coupon or use his collected credits while commuting. For advertiser 100, requesting the geographic location of a pager user

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71 using pager 32 based upon the location or identification number of a transmitting fixed station 20, the latter system is more effective since his ad is being viewed by a pager user 71 who is within the proximity of his local store.

As per claim 5, Deluca et al disclose a system comprising-

A plurality of personal communication devices **such as one-way pager 31 of fig.5 or two-way pager 32 of fig.6 or fig.8**, each of the personal communication devices comprising a unique digital code **or pager number or address** stored in memory **or code plug 70 of fig.3** that identifies the devices (col.5: 47-58); a display **78 of fig. 3**; a user interface **or conventional push buttons on pager 32 of fig.8** for allowing a user to generate digital messages **in response to questions or survey sent by Advertiser 100 to user 71**; a transmitter **28** and receiver **30 or transceiver 32 of fig.1** for wireless communication with the cellular communication network **34 of fig. 2** so as to allow a digital message generated on the personal communication devices **31** to be transmitted by placing a call **using conventional telephone 22** through one of the base stations **via PSTN 24 of fig.1 (col. 4: 13 to col. 5: 3)** and **memory or debit/credit meter 77 of fig.3** for storing a digital value corresponding to a monetary value (col. 6: 66 to col. 7:42);

Deluca et al fail to explicitly disclose a system for determining the geographic location covered by the cellular communication network 20 associated with a transmitting pager 31 and/or receiving pager 32 based upon the location of a transmitting fixed station subsequent to a query requesting such geographic location information wherein participating merchants or advertisers 100 are located.

However, Cohen discloses a system for displaying advertising messages on a display 14 mounted on a vehicle 12 based on the location of the vehicle. The system comprises as shown in fig. 1 an on-board controller 16. The controller determines the vehicle location and drives the display 14 to generate a publicly viewable message including advertising selected for viewing within such location when vehicle 12 is within a particular zone associated with a geographic area 34 as shown in fig. 2 using a conventional location detection system or GPS in conjunction with a plurality of fixed stations (fig. 3), which transmit message content and scheduling data to the controller (See abstract). Controller 16, contained within vehicle 12, is programmed to repeatedly ascertain the specific geographic location of vehicle 12 (fig. 2), utilizing a conventional location determining system such as GPS receiver 18 of fig. 4 (Col. 4:14-22). Controller 16 of fig. 4 is in wireless communication with a plurality of fixed stations 20, 22, and 24 of fig. 3. A communication link 26 interconnecting controller 16 and stations 20, 22 and 24 wherein the communication link 26 may comprise a cellular link or RF signal broadcast and other well known wireless communication system (Col. 4: 27-36). Through communication link 26, controller 16 receives programmable data from station 20 and subsequently displays on display 14 message content including location specific advertisements. The data downloaded from station 20 are stored in controller 16 database or non-volatile memory and thereafter appropriately displayed on display 14 mounted to vehicle 12 in accordance with vehicle 12 geographic location covered by fixed stations 20, 22 and 24 of the wireless communication network as monitored by GPS receiver 18 (Col. 4: 37-63).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate Cohen's teachings into Deluca et al paging system so as to use a conventional

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location detection system such a GPS in conjunction with fixed base stations in order to display location oriented messages including advertisements on Pager 31 or 32 display 78 associated with a user 71, thereby making the message or advertisement more appropriate to the recipient or user 71 who can take advantage of a store located nearby to redeem a coupon or use his collected credits while commuting. For advertiser 100, requesting the geographic location of a pager user 71 using pager 32 based upon the location or identification number of a transmitting fixed station 20, the latter system is more effective since his ad is being viewed by a pager user 71 who is within the proximity of his local store.

As per claims 6, 9 and 10, Deluca et al disclose a system further comprising-

6. Wherein the user 71 interface of the personal communication devices **or push buttons on pager 32**, provides the user with a sequence of generic menu choices that become progressively more specific so as to narrow the user's particular query and (col. 11: 3-63; figs. 9-10), wherein the menu selection generate a digital geographic location query message **or a request for more information on a particular item of interest** that is stored in memory **or reply buffer 130 of fig.6 associated with volatile memory 88** before transmission to a base station (These limitations are expected in the Deluca et al paging system wherein pager user 71 using Motorola two-way pager 32 can directly contact advertiser 100 and request information. The transmission is conducted in a similar manner regardless of the nature of the request).

9. A merchant information D/B **or subscriber D/B 40** containing information pertaining to a plurality of participating merchants **or advertisers 100** associated with the cellular

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communication network **20** wherein each merchant **or advertiser 100** has a member ID **or account number provided by service provider 102 to identify merchant or advertiser 100** and means for determining the merchant ID of all the participating merchants and to retrieve information pertaining to a specific participating merchants from the merchant information D/B and transmit this information to participating users **or pager users 71** wherein the information is stored in a D/B accessible by merchants so that merchants can add, delete or alter information containing in their respective listings (**These limitations are obviously expected in the Deluca et al system**).

10. Wherein each base station has a base station ID; and  
the participating merchants **or advertisers 100** are classified into a plurality of classes or **categories based on the services provided or products sold** and the system can search for merchants by class or **category** wherein a base station receiving a personal message, passes the personal message along with the base station ID to a computer **or controller 26** that identifies **another user or recipient of the personal message using pager 32, if any, that matches the pager receiver address** and is located near personal communication device that transmitted **the personal message** and a computer **or controller 26** for retrieving information **such as advertisers 100 ads** from the merchant information database and transmitting information **or ad** retrieved from the merchant database **along with the personal message** to the personal communication device **or pager 32** for display **on the pager 32 display 78** (**These limitations are either taught and/or expected in the paging system of Deluca et al**).

In general, regarding claims 6, 9 and 10, Deluca et al fail to explicitly disclose a system for determining the geographic location covered by the cellular communication network 20 associated with a transmitting pager 31 and/or receiving pager 32 based upon the location of a transmitting fixed station subsequent to a query requesting such geographic location information wherein participating merchants or advertisers 100 are located.

However, Cohen discloses a system for displaying advertising messages on a display 14 mounted on a vehicle 12 based on the location of the vehicle. The system comprises as shown in fig. 1 an on-board controller 16. The controller determines the vehicle location and drives the display 14 to generate a publicly viewable message including advertising selected for viewing within such location when vehicle 12 is within a particular zone associated with a geographic area 34 as shown in fig. 2 using a conventional location detection system or GPS in conjunction with a plurality of fixed stations (fig. 3), which transmit message content and scheduling data to the controller (See abstract). Controller 16, contained within vehicle 12, is programmed to repeatedly ascertain the specific geographic location of vehicle 12 (fig. 2), utilizing a conventional location determining system such as GPS receiver 18 of fig. 4 (Col. 4:14-22). Controller 16 of fig. 4 is in wireless communication with a plurality of fixed stations 20, 22, and 24 of fig. 3. A communication link 26 interconnecting controller 16 and stations 20, 22 and 24 wherein the communication link 26 may comprise a cellular link or RF signal broadcast and other well known wireless communication system (Col. 4: 27-36). Through communication link 26, controller 16 receives programmable data from station 20 and subsequently displays on display 14 message content including location specific advertisements. The data downloaded



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from station 20 are stored in controller 16 database or non-volatile memory and thereafter appropriately displayed on display 14 mounted to vehicle 12 in accordance with vehicle 12 geographic location covered by fixed stations 20, 22 and 24 of the wireless communication network as monitored by GPS receiver 18 (Col. 4: 37-63).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate Cohen's teachings into Deluca et al paging system so as to use a conventional location detection system such a GPS in conjunction with fixed base stations in order to display location oriented messages including advertisements on Pager 31 or 32 display 78 associated with a user 71, thereby making the message or advertisement more appropriate to the recipient or user 71 who can take advantage of a store located nearby to redeem a coupon or use his collected credits while commuting. For advertiser 100, requesting the geographic location of a pager user 71 using pager 32 based upon the location or identification number of a transmitting fixed station 20, the latter system is more effective since his ad is being viewed by a pager user 71 who is within the proximity of his local store.

As per Claim 7, the combination of Deluca et al and Cohen does not expressly teach a pager 31 or 32 having a range selector that allows pager user 71 to adjust the geographic range through which advertisers 100 can transmit location-oriented ads. However, it is expected in the system of Cohen that different location specific messages including ads will be displayed on display 14 as vehicle 12 moves from one zone to another within a geographic location 34 as shown in fig. 2. Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to combine this disclosure with Deluca et al paging system so as to have a user 71

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receive different location-specific messages including ads as the user travels, along with his pager 31 or 32, through different zones in a specific geographic area as taught by Cohen, thereby rendering the displayed message or ad more useful and effective.

As per claims 8, 11, 12, 13 and 14, Deluca et al disclose a system further comprising-

8. Wherein the digital geographic location query message **or personal message** transmitted from **pager 31 to pager 32 via fixed stations** contains the following components: a bit string identifying the personal communication device transmitting the message; a bit string identifying the message as a digital geographic location query message and a bit string indicating the specific nature of the request; and wherein the digital geographic location query message **or personal message** transmitted from **pager 31 to pager 32 via fixed stations** is received by a base station and passed along to a mobile exchange along with a further bit string that identifies the base station (These limitations are obviously expected in the Deluca et al Paging system as known to those skilled in the art whether or not a geographic location query message or personal message is transmitted via fixed base stations from pager 31 to pager 32).

11. Wherein merchant information is stored on a database that is accessible by merchants **or advertisers 100** so that merchants **or advertisers 100** can add, delete or alter information in their respective listing **in a manner well known to those skilled in the art** (These limitations are obviously expected in the paging system of Deluca et al).

12. Wherein the personal digital communication devices **or pager 32 of fig.8** includes the following features: a scroll button to allow the user to scroll through menus and sub-menus; a button that dials a number **associated with advertiser 100** displayed on the display **78**; a power key to turn the device on or off; a plurality of soft keys whose current function is displayed on the display proximate the key; an end button, which is pushed to end a communication session; a 12 key array of alphanumeric keys ranging from 1-0 and including \* and # (figs. 9, 10 and 12; col. 11: 3-63; col. 12: 26-45).

13. Wherein a plurality of the personal digital communication devices **or Motorola two-way pagers 32** has a sponsor merchant **or advertiser 100** associated therewith and includes a button **or feature** for transmitting a predetermined digital geographic location query message concerning sponsor merchant locations **or a request for more information from advertiser 100 regarding an advertised product that was displayed on display 78 as known in the art** (These limitations are expected in the Deluca et al paging system wherein pager user 71 using Motorola two-way pager 32 can directly contact advertiser 100 and request information. The transmission is conducted in a similar manner regardless of the nature of the request).

14. Wherein the personal communication device **or pager 32** includes memory **or debit/credit meter 77 or non-volatile memory** for storing information **such as credits** used in conducting an incentive program **such as allowing a pager user 71 to receive free paging service for the right to display ads on his pager display 78** comprising-

A plurality of participants **or pager users 71** having a participant ID **or pager number or address or paging service account 118** associated with each participant **or pager user 71** (col. 5: 47-58) and a redemption rate associated with each participant ID (paging service account 118) **or an additional award provided to pager user 71 for correctly answering questions regarding at least one transmitted ad wherein the additional award is to be added to an original or first award given to pager user 71 or participant for reading advertisement transmitted to pager 32 allowing pager user 71 to transmit or receive messages for free whereby the total award is stored in debit/credit meter 77** (col. 8: 40 to col. 9: 19);

A first reward program under which participants **or pager users 71** may earn points or **credits** for certain actions **such as reading ads** (col. 6: 66 to col. 9: 19);

A second reward program through which the redemption rate associated with a particular participant is adjusted in response to certain participant action **or an additional award provided to pager user 71 for correctly answering questions regarding at least one transmitted ad wherein the additional award is to be added to an original or first award given to pager user 71 or participant for reading advertisement transmitted to pager 32 allowing pager user 71 to transmit or receive messages for free whereby the total award is stored in debit/credit meter 77** (col. 8: 40 to col. 9: 19), the incentive program being conducted according to a process comprising-

Receiving the customer ID **or paging service account 118** and points **or amount** to be redeemed **or debited from debit/credit meter 77 storing user 71 credits so that user 71 can**

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**transmit a personal message to another user or download information service such as stock quote free of charge;**

**Retrieving a customer redemption rate based on the cost associated with the transmission of the personal message or the download of information service such as stock quote;**

**Multiplying the base points by the redemption rate to arrive at a reward points amount and outputting the result (Here Deluca et al teach a paging system where a pager user 71 is awarded a certain amount of money or first or original award for reading at least one ad as shown in figs. 5-7 and in order to make sure that the user 71 reads the ad, a quiz is transmitted along with the ad. If the user correctly answers the quiz, an additional award is given, thus the total award on this particular ad is equal to the original award plus the additional award).**

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al, US Patent 5,870,030A, in view of Cook et al, US Patent 5,766,075A.

In general, concerning claims 20-23, Deluca et al do not suggest using, among other things, their paging system having a reward component at a casino.

However, as per claims 20 and 23, Cook et al teach a system, involving a casino management that guarantees a minimum amount of a patron's or player's gambling losses, comprising-

20. A casino game such that the plurality of participants are players **or patrons**; the players' participant ID **or a bar coded identification card** is determined by the location of the machine **used** or associated with each participant **or patron**; the casino game is a first reward program under which participants may earn points that may be redeemed for cash or prizes (well known in the art-col.1: 13-55) and the second reward program is a variable redemption rate program through which points may be redeemed for currency based upon the redemption rate in effect at the time of redemption and wherein the redemption rate associated with a particular participant is adjusted in response to certain participant action **such as the amount of money loss during a trip (col. 1: 13-55; col. 1: 66 to col. 3: 9).**

23. The system further comprising a display screen for displaying information concerning the amount of dollars on deposit, the net results, the current redemption rate, the dollar value of the net results determined by applying the current **redemption** rate and the current balance and a visual display to graphically illustrate the time remaining (These limitations are obviously expected by Cook et al Bet Guarantee System).

As per claim 21, Cook et al disclose a bet guarantee system in which a player or patron is guaranteed that at least a minimum amount of money will be returned to the player based upon, among other things, the amount of money lost during an hour or a trip by tracking the player's activities who uses a conventional bar coded card inserted into a casino machine (col. 2: 40) while gambling. During the course of a day, a patron may have many ratings at various gaming

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machines on a particular floor and thus over the course of a trip, there will be an even larger number of ratings. A player's guarantee bet or reward can be determined, in a number of ways, as the greater of: 1) the patron's loss during the first hour or other time interval of play; 2) a percentage of the casino's total trip theoretical win for that patron; 3) a percentage of the patron's actual losses during the trip, or 4) an arbitrary dollar amount (col. 2: 41-59). It should be understood that other suitable combinations might be used to guarantee a bet to the patron as known in the art.

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate Cook et al guarantee bet system into Deluca et al paging system having a reward component so as to use Deluca et al system or more specifically the reward component at a casino facility, whereby a player or patron using his bar coded card can earn credits or points for gambling at the casino facility based upon a number of factors including the patron's or player's loss during the first hour or other time interval of play, a percentage of the casino's total trip theoretical win for that patron or player, a percentage of the patron's or player's actual losses during the trip or an arbitrary dollar amount, thereby ensuring, among other things, that a portion of the player's gambling loss is given to the player while encouraging the player or patron to return to the casino facility to redeem his credits or points or to gamble. By so doing, the casino facility will be able to keep its current customers or players while increasing its revenue.

Claim 22 further recites a computer implemented incentive program applied to a casino gaming, wherein the variable redemption rate is used to provide an auxiliary game pursuant to

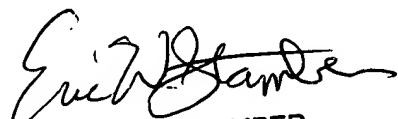
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which a player that has a net positive balance can place an auxiliary bet that, can either increase or decrease the player's credits or points. Nevertheless, the Examiner notes that there is no difference between the auxiliary game as described herein and the game previously mentioned in claims 20 and 21. The player or patron may either lose or win money or have his credits or points decrease or increase regardless of the game the player is playing. Therefore, claim 22 is rejected under a similar rationale as respectively applied in claims 20 and 21.

### Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 8:30AM to 6:30PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. James P. Trammell, can be reached at (703) 305- 9768. His Fax number is (703) 305-0040.

9/20/01



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